

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**DATE:** 1/29/16

**DISTRICT JUDGE**

**COURT REPORTER:** Jan Mason

**Amos L. Mazzant, III**

**COURTROOM DEPUTY:** Debbie McCord

IMPERIUM VS. SAMSUNG	4:14CV371
<b>ATTORNEY FOR PLAINTIFF</b>	<b>ATTORNEY FOR DEFENDANT</b>
Jeff Saltman, John Battaglia, Bill Sigler, Alan Fisch, Silvia Jordan, Sruli Yellin, David Saunders,	Sam Brenner, Larry Phillips, Kevin Post, Jesse Jenner, Steven Pepe, Chris Harnett, Rebecca Carrizosa, Alexander Middleton, Clyde Siebman, Scott Taylor

**FINAL PRETRIAL HEARING**

9:07 am Court called case, Plaintiff announced ready. Defendant announced ready.

First motion, Dkt. #107 addressed, denied.

Dkt. #109, Mr. Brenner addressed the Court. Motion granted as to S6, denied as to rest of motion.

Dkt. #103, denied.

Dkt. #180, denied.

Dkt. #186, denied.

Dkt. #135, denied.

Court will enter written orders on the motions.

Voir dire to start at 10:00 a.m. Trial estimate is 5 - 7 days. Court notes trial set for February 9 and wants this trial completed before then.

9:11 am Mr. Siebman addresses the patent jury video, we can show that to the panel.

Opening statements: each side gets 1 hour.

Exhibits addressed. Exhibits are conditionally admitted, but have to be utilized. If not used, it won't be admitted. Exhibits have to be used in front of the jury in order to be admitted.

Jury can ask questions of live witnesses.

If rebuttal case is not a new witness, jury will not be able to ask questions again.

9:17 am Licensing issue is addressed.

Mr. Battaglia addresses the Court.

9:25 am Mr. Fisch replied.

9:43 am Mr. Battaglia replied.

Argument ensued regarding the matter.

9:54 am Court issued ruling, will not allow this issue to be raised during the trial.  
Post-trial, the issue can be briefed and another trial set if need be.

9:55 am Imperium motions in limine, first addressed by Mr. Battaglia with response of Mr. Harnett.  
Court will grant 1, and make it mutual.

9:59 am #2 addressed by Plaintiff's counsel Desmond Jui. Response by Mr. Middleton. #2 granted.

10:03 am #3 presented by Jeff Saltman. Response by Mr. Fisch. Granted, approach the bench.

10:06 am #4 granted.

#5 presented by Mr. Sigler. Response of Mr. Brenner. Granted, to be presented to the Court at the appropriate time.

10:10 am #6 presented by Mr. Saltman. Response of Mr. Brenner. Granted.

10:13 am #7 presented by Mr. Saltman. Response of Rebecca Carrizosa. #7 is denied.

10:17 am #8 presented by Mr. Battaglia. Response of Mr. Harnett. Granted.

10:21 am #9 presented by Sruli Yellin. Granted.

10:22 am Samsung's motion in limine, #1 presented by Mr. Harnett. Response of Mr. Battaglia. Denied.

10:26 am #2 presented by Mr. Brenner. Response of Mr. Sigler. Granted.

#3 presented by Mr. Siebman. Granted.

10:34 am #4 presented by Mr. Jenner. Response of Mr. Sigler. Granted. Submit deposition to Court.

10:47 am 15 minute break.

11:07 am #5 presented by Mr. Middleton. Response by Ms. Jordan. Granted, but will allow use for impeachment.

11:12 am #6 presented by Ms. Carrizosa. Response of Mr. Saltman. Granted. Court will take out issue of size. Price per phone is not covered.

11:21 am #7 presented by Mr. Post. Response of Mr. Battaglia. #7 is granted.

11:28 am #8 presented by Mr. Post. Response of Mr. Sigler. #8 is granted.

11:32 am #9 presented by Scott Taylor. Response of Mr. Saltman. Granted, mutual to both sides.

11:36 pm #10 presented by Mr. Siebman. Denied.

#11 is granted.

#12 presented by Mr. Harnett. Response of Mr. Battaglia. Denied.

#13 presented by Mr. Siebman. Granted. Discussion ensued.

11:50 am Limines concluded.

11:51 am Mr. Harnett addressed the Court.

11:55 am Mr. Brenner addressed witness interpreter, both sides agreed to the interpreter's use.

11:56 am Mr. Harnett addressed notification of timing for witness notices - Court directed 24 hour notification.

Mr. Fisch requests transition statements before witness testimony, approved by the Court.

Mr. Harnett addressed confidential information and request for sealing the courtroom. Court will not seal courtroom for opening and closing statements. Courtroom can be sealed, if necessary, during case in chief.

Mr. Fisch will be removed from witness list.

Mr. Sigler seeks clarification regarding the 24 hour witness notification from may call to will call list.

Mr. Brenner addressed the Court, as well as Mr. Sigler, Court noted 6 pm the day before for will call witnesses. Dispute is regarding may call to will call. Court will require 24 hour notice for change from may call to will call witness, unless a situation arises that would call for a change.

Argument ensued on witness matters.

Court will not make third party witness come in on the other side's case in chief.

12:12 pm Mr. Post addressed proposed preliminary jury instructions.

Court will have preliminary instructions on Monday for the parties to review.

12:14 pm Exhibits addressed - objections? Mr. Harnett believes most will be resolved.

Unobjected to exhibits can be referred to and considered admitted.

Exhibits have to be utilized in front of the jury.

12:16 pm Mr. Jenner addresses the Court regarding breaks. Court explains procedures for lunch and breaks.

12:18 pm Court is in recess.